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In the Matter of)
)
Replacement of Part 90 by Part 88)
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)
)
and)
)
Examination of Exclusivity and)
Frequency Assignment Policies of)
the Private Land Mobile Radio)
Services)

DOCKET FILE COPY ORIGINAL

PR Docket No. 92-235

To: The Commission

REPLY COMMENTS
OF THE
LAND MOBILE COMMUNICATIONS COUNCIL

The Land Mobile Communication Council ("LMCC")
respectfully submits the following Reply Comments responsive
to the various comments filed on November 20, 1995 in the
above-captioned proceeding.

LMCC 014
11/20/95

REPLY COMMENTS

1. Some thirty parties filed comments responsive to the issues presented in the Report and Order ("Order") and Further Notice of Proposed Rule Making ("FNPRM") in this proceeding.^{1/} There were two dominant themes that were at the essence of virtually all of the comments: first, the private wireless services serve an essential and indispensable role in the conduct of the nation's commerce and the protection of the populace in this country; second, spectrum auctions or competitive bidding is incompatible with and contrary to private wireless communications requirements in the United States.^{2/}

^{1/} 60 Fed. Reg. 148, 152.

^{2/} See, for example: ARINC at 12; AICC at 4; AASHTO at 4; AAA at 5; AGA at 4; APTA at 11-12; ATA at 9-11; APCO at 6-7; API at 6-7; AAR at 28; Boeing at 3-9; Ericsson at 3; FIT at 16; Hewlett-Packard at 5-6; Houston Police Department at 1; ITLA at 11-12; LMCC at 17; Lojack at 4-6; MRFAC at 10-11; Motorola at 8; NPPD at 1-2; Securicor at 6; Pacific Corp. at 4; Spacelabs; UTC at 22-25; Union Pacific at 13; and Weyerhaeuser at 5.

2. LMCC strongly urges the Federal Communications Commission ("Commission") to defer to the unanimous and compelling views presented on these two points. The Commission must take steps to avoid further erosion of the private radio frequency allocations. LMCC notes that the proliferation of application freezes in the private land mobile spectrum above 512 MHz have dramatically reduced the amount of spectrum available to serve the internal communications requirements of traditional private radio licensees.

3. If the Commission attempts to create an auction environment in the private land mobile spectrum below 512 MHz, it will have serious adverse consequences. It would further jeopardize the availability of private land mobile spectrum to satisfy special requirements and to provide efficient and cost-effective internal communications systems. LMCC concludes that auctions are antithetical to the very nature of the private land mobile services.

4. For this reason and the other reasons articulated in the comments, LMCC respectfully urges the Commission not to coerce private radio licensees to compete for access to vital radio spectrum through auctions. It is not in the public interest to rely on a system in which only the most well-financed entities are able to gain access to the private radio spectrum.

5. The comments also reveal considerable confusion regarding the possible approaches to channel exclusivity. LMCC reiterates that "Protected Service Areas" or "PSAs" oriented around service contours and not a pre-determined uniform service radius or zone is the most efficient solution.

6. LMCC continues to consult with TIA's TR8 Working Group 8.8 Technology Compatibility Committee ("Committee"). The Committee is preparing a report on the Standardization of a Methodology for the Modeling, Simulation and Empirical Verification of Wireless Communications System Performance

in Noise and Interference Limited Systems Operating on Frequencies Between 30 and 1500 MHz. The report, which is tentatively scheduled to be released in the January-February time frame, will include: (1) recommended data elements for automated modeling, simulation, and spectrum management of wireless communications systems ("data requirements"); and (2) a methodology for determining service areas for existing land mobile licensees ("service area methodology"). The data requirements and service area methodology are being developed directly in response to the complexities presented by narrowbanding.

7. With respect to spectrum user fees, some commenters are supportive of them. Others have reservations about such spectrum fees. LMCC reiterates there is no public policy basis for singling out Part 90 users, as opposed to other communications radio services, for the application of spectrum user fees. LMCC believes that user fees will always be subordinate to technical considerations for inducing users to convert to more efficient technologies.

LMCC's views on this point are reflective of the majority of the industry.

WHEREFORE, THE PREMISES CONSIDERED, the Land Mobile Communications Council respectfully urges the Federal Communications Commission to act in accordance with these reply comments.

Respectfully submitted,

**LAND MOBILE COMMUNICATIONS
COUNCIL**

By David Flinkstrom / JN
David Flinkstrom
President

Dated: January 16, 1996

CERTIFICATE OF SERVICE

I, Donald J. Vasek, Senior Issues Manager for the Personal Communications Industry Association hereby certify that I have on this 16th day of January, 1996 sent via hand delivery a copy of the foregoing **Reply Comments of the Land Mobile Communications Council** to the following:

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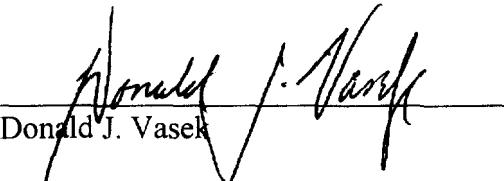
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